

1 HOUSE BILL NO. 54

2 INTRODUCED BY C. JUNEAU

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR VOTER REGISTRATION AT THE POLLING
5 BOOTH ON ELECTION DAY; AMENDING SECTIONS 13-2-301 AND 13-2-601, MCA; REPEALING SECTION
6 13-2-302, MCA; AND PROVIDING EFFECTIVE DATES."

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8 WHEREAS, Article II, section 13, of the Montana Constitution provides that all elections must be
9 free and open, and no power, civil or military, shall at any time interfere to prevent the free exercise of
10 the right of suffrage; and

11 WHEREAS, Article IV, section 3, of the Montana Constitution allows the Legislature to create a
12 system of poll booth voter registration; and

13 WHEREAS, in 1972, the delegates to the Montana Constitutional Convention debated the issue
14 of requiring the Legislature to adopt a system of poll booth voter registration and agreed after lengthy
15 debate to allow the Legislature to adopt such a system, thereby leaving this issue to the Legislature, with
16 the strong suggestion in the transcripts of the Constitutional Convention that legislation be enacted to
17 allow poll booth voter registration; and

18 WHEREAS, poll booth registration will provide the opportunity for Montana residents to be more
19 actively involved in exercising their political power, as guaranteed in Article II, section 1, of the Montana
20 Constitution, which provides that all political power is vested in and derived from the people.

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22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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24 NEW SECTION. **Section 1. Polling place registration allowed on election day -- procedure --**
25 **challenges.** (1) A person who is not otherwise registered to vote and who is qualified to vote under
26 13-1-111 may register on election day by:

27 (a) appearing in person at the polling place for the precinct in which the person maintains
28 residence;

29 (b) completing a registration card;

30 (c) signing an affidavit in the form prescribed by the secretary of state;

(d) providing proof of residence in a form prescribed by the secretary of state; and

(e) showing a picture identification card or another identification document that may be approved by the secretary of state, but if a picture identification is not provided, the elector's ballot must automatically be considered as having been challenged and must be marked and handled as provided in 13-13-311.

(2) Registration at the polling place on election day must be conducted by an election judge who shall add the person's name to the registration list. An election judge who registers a person at the polling place on election day may not handle that voter's ballots at any time before the opening of the ballot box after the voting ends.

(3) Registration cards and forms for oaths must be available at each polling place.

(4) Registration cards completed on election day must be forwarded to the election administrator who shall add the voter's name to the official registration list.

(5) Polling place registration on election day replaces any prior registration.

(6) An elector's right to vote after registering on election day under this section may be challenged as provided in chapter 13, part 3, of this title.

(7) The secretary of state may adopt rules to implement this section.

NEW SECTION. Section 2. Precinct maps required at polling place. The election administrator shall ensure that each precinct has an accurate precinct map to assist election judges responsible for polling place registration under [section 1] in determining whether an address is located in that precinct.

Section 3. Section 13-2-301, MCA, is amended to read:

"13-2-301. Close of registration -- procedure. (1) The election administrator shall:

(a) close registrations for 30 days before any election, except as provided in 13-2-212(3) and [section 1]; and

(b) publish a notice specifying the day registrations will close on radio or television, as provided in 2-3-105 through 2-3-107, or in a newspaper of general circulation in the county at least once a week for 3 weeks before the close of registration.

(2) Information to be included in the notice ~~shall~~ must be prescribed by the secretary of state.

(3) An individual who submits a completed registration form to the election administrator before

1 the deadline provided in subsection (1)(a) is allowed to correct a mistake on the completed registration
2 form until 5 p.m. on the 10th day following the close of registration, and ~~thereafter~~ the qualified elector
3 is eligible to vote in the next election."

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5 **Section 4.** Section 13-2-601, MCA, is amended to read:

6 **"13-2-601. Name on precinct register prima facie evidence of right to vote.** (1) An elector may
7 not vote at an election mentioned in this title unless ~~his~~ the elector's name appears on election day in the
8 copy of the official precinct register furnished by the election administrator to the election judges or unless
9 the elector registers at the polling place on election day as provided in [section 1]. The fact that ~~his~~ an
10 elector's name appears in the copy of the precinct register is prima facie evidence of ~~his~~ the elector's right
11 to vote.

12 (2) The name of an elector who has been assigned to vote in a precinct other than the precinct
13 in which ~~he~~ the elector is registered, as provided in 13-3-213, must be printed on a special addendum to
14 the precinct register in a form prescribed by the secretary of state. The fact that an elector's name appears
15 on a special addendum to the precinct register is prima facie evidence of ~~his~~ the elector's right to vote in
16 the precinct."

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18 NEW SECTION. **Section 5. Repealer.** Section 13-2-302, MCA, is repealed.

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20 NEW SECTION. **Section 6. Codification instruction.** [Sections 1 and 2] are intended to be codified
21 as an integral part of Title 13, chapter 2, and the provisions of Title 13, chapter 2, apply to [sections 1
22 and 2].

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24 NEW SECTION. **Section 7. Effective dates.** (1) Except as provided in subsection (2), [this act]
25 is effective October 1, 2001.

26 (2) [Sections 1(7), 5, and 6 and this section] are effective on passage and approval.

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